

**COMMITTEE ON SPECIAL PERMITS**  
**As a Committee of the Whole**  
**TUESDAY, AUGUST 3, 2021, at 6:10 p.m.**  
**WOBURN CITY HALL**  
**CITY COUNCIL CHAMBERS**

Voting members present: Chairman Richard Gately, Alderman Darlene Mercer-Bruen, Alderman Jeffrey Dillon, Alderman Michael Lannan, Alderman Michael Concannon, Alderman Robert Ferullo, and Alderman Joseph Demers. Absent: President Edward Tedesco and Alderman Joanne Campbell

Also present: City Engineer John Corey and Dept. of Public Works Supt. John Duran

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**Reading and approval of meeting minutes of July 6, 2021:** Motion made by Alderman Mercer-Bruen and seconded by Alderman Demers to approve the minutes of the previous meeting; in favor, 7-0.

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**Jackson Lumber for special permit: 1. To amend a special permit to allow additional drainage and pavement to expand parking lot; and 2. Alteration of existing use to allow for drainage and pavement, at 36 Prospect Street:** Representing the petitioner was Attorney Mark Salvati, 10 Cedar Street, Woburn, MA. Attorney Salvati said the Conservation Commission has made finding of determination of applicability indicating the commission does not take jurisdiction. Alderman Mercer-Bruen said there has been no peer review. She said the normal course of business is a peer review. She said she said at the last meeting that she would be comfortable only if the Conservation Commission report included a peer review. Attorney Salvati said there was no peer review because the premises is not subject to flooding. He said that is the applicant's position. City Engineer Corey said he and Supt. Duran are not at cross purposes in regard to the petition; they are only looking at it through different lenses. Engineer Corey said the big question Supt. Duran has raised is the location of the connection to the outlet pipe. He said the outlet pipe connects to a 30-inch pipe. He said during a 3–4-day period of sustained precipitation there was flooding in the area. He said in the surcharge condition there was water that came back onto the site. He said there are always going to be storms that are bigger than design. He said there was a situation at the corner Jefferson Avenue and Prospect Street where there is a 60-inch pipe that floods onto adjoining parked lots and apartments. Supt. Duran said there were Conservation Commission findings in 1989 and 1997 that indicate the area is subject to flooding. He said nothing was done to alleviate the issue. He said the area floods. He said maybe mathematically the drainage system works, but realistically it does not work. He said when it floods, there is nothing the DPW can do. Motion made by Alderman Mercer-Bruen and seconded by Alderman Concannon to accept and make part of the permanent record the following documents from Supt. Duran: An order of conditions DEP file #348-218; Determination of Applicability for 40 Prospect Street; an order of conditions DEP file #348-354; and a map entitled "Existing Conditions Plan Barker Realty Trust 36-40 Prospect Street Woburn

MA date 9-97;" approved, 7-0. Supt. Duran said there was a drainage study done for the city in 1975 indicating there is a 60-inch pipe that is about 35 feet to the westerly side of Prospect Street. He said there is an easement there for a connection. Motion made by Alderman Mercer-Bruen and seconded by Alderman Concannon to accept and make part of the permanent record the following documents from Supt. Duran: "City of Woburn Massachusetts Contract for the Construction of Storm Drainage Facilities;" with accompanying plans and profiles drawn by CE Maguire, Inc., and dated May 13, 1975; approved, 7-0. Alderman Mercer-Bruen asked Supt. Duran what he would propose. Supt. Duran said any work there has to be done carefully. He said any errors may jeopardize lives, maybe those of DPW employees. Alderman Mercer-Bruen asked Supt. Duran what action he would like to see the City Council take. She said the petitioner is not in favor of a peer review. Supt. Duran said peer review is a fair approach. Engineer Corey said he does not think the problem is as severe as Supt. Duran does, though the acknowledged Supt. Duran is the one with boots on the ground. Engineer Corey said the best way to address the flooding situation is with peer review. Alderman Mercer-Bruen said she agrees 100 percent. She said is unusual for a project this size to not include peer review. She asked if peer review is cost prohibitive. Engineer Corey said the cost of a peer review for Jackson Lumber would be \$5,000-\$7,500. He said the cost of peer review for the Vale was \$10,000. Alderman Mercer-Bruen said that figure is not cost prohibitive. Supt. Duran agreed, especially for the risk involved, he said. Alderman Mercer-Bruen said once the project is done, it is done, and there is no turning back. She said she thinks the City Council should require a peer review. Alderman Concannon said if he is not sure the petitioner is not going to make it worse, he is going to have a hard time voting for it. He said if a petitioner is going to exacerbate an existing problem, he can't support it. He said he is not looking to spend someone else's money, but if there is a valid reason to take a look at the drainage, he'd like to see that get gone. Alderman Dillon said Supt. Duran mentioned there is a drain on private property that is not hooked up. He asked if that connection was made whether that would alleviate a lot of problems and if that is a big deal. Both Supt. Duran and Engineer Corey said the city has an easement. Supt. Duran said he thinks something has to be done here. Alderman Dillon asked how difficult it would be to make that connection. Engineer Corey said there would have to be a significant capital project. Supt. Duran said he lives in the area so he is aware of the existing conditions. He said he is sure there is a reasonable solution. He said the 30-inch pipe is full. He said there is no more room. Alderman Dillon said if the DPW Superintendent advises the council there is a problem, the council has to listen. Chairman Gately said deliberation over the petition has gone on long enough. He said there has to be a ton of refuse in that drainage line. He said the city cannot blame someone for trying to improve their property. He said Jackson Lumber's goal is to get trucks away from their building and make it safer for their drivers. He said he thinks the applicant should be able to make small improvements to the sewer line, but he can't possibly see them trying to fix all the drainage. Engineer Corey said he does not think Supt. Duran is asking for improvements all the way to Jefferson Avenue. He asked if the applicant could go down Prospect Street and tie into the line there. Chairman Gately said there is a 5-foot pipe there. He said it is going to cost the applicant a lot of money to tie into that 5-foot drain. He said he does not think it is fair to ask the applicant to do that. He said nine out of 10 petitioners would not do that. He asked what peer review is going to accomplish. He said the city has two of the best engineers right here if they need advice. Attorney Salvati said the applicant has agreed to replace the sewer line that is shown on the plan. He said there is no way his client can pay to fix all the drainage issues. He said his client cannot agree to that type of expense for off-site mitigation. He said his client's position is what they are

offering to do will be helpful. He said he does not think peer review is going to satisfy the DPW Superintendent. He said what they are offering satisfies the rules and regulations and what was agreed to by the City Engineer. He asked the committee for a vote. Chairman Gately said another issue the committee may want to consider is there is a property on Garfield Avenue that sold for \$1.7 million, and he is hearing rumblings about what may be proposed for that parcel. Attorney Salvati said Jackson Lumber's project will not make the drainage worse. Alderman Mercer-Bruen said Attorney Salvati said Supt. Duran will not be satisfied with peer review and she does not think that is an accurate statement. Motion made by Alderman Concannon and seconded by Alderman Mercer-Bruen to suspend the rules to accept comments from the public; approved, 7-0. Chairman Gately asked if anyone in the audience wished to address the committee in regard to the petition. There were no respondents. Motion made by Alderman Concannon and seconded by Alderman Mercer-Bruen to return to the regular order of business; approved, 7-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Dillon that the special permit "ought to pass" with a condition that approval be conditioned on peer review. Alderman Concannon said he is not sure the petitioner is willing to undertake a peer review. Chairman Gately asked if the committee also wants to include the plan of record among the conditions. Alderman Mercer-Bruen said she wants to withdraw her motion. She said the alternative is to deny the special permit. Alderman Concannon said the committee's options are to send the petition back for action, recommend it ought not to pass, or recommend it ought to pass. Motion made by Alderman Concannon and seconded by Alderman Mercer-Bruen that the petition "ought not to pass," Roll call: Alderman Campbell – absent; Chairman Gately – nay; Alderman Dillon – aye; Alderman Demers – aye; Alderman Mercer-Bruen – aye; President Tedesco – absent; Alderman Lannan – aye; Alderman Ferullo – nay; Alderman Concannon – aye; motion passes, 5-2.

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**Popeyes for a special permit to allow for a fast-food restaurant pursuant to Section 5.1 (29) at 305 Mishawum Road:** Representing the petitioner were Attorney Mark Salvati, 10 Cedar Street, Woburn, MA; and Howard Hymowitz, Director of Operations, Popeyes Louisiana Kitchen. Attorney Salvati submitted three photographs of the Popeyes location in Lawrence, MA. Motion made by Alderman Mercer-Bruen and seconded by Alderman Concannon to accept the photographs from Attorney Salvati and incorporate them into the permanent record; approved, 7-0. Attorney Salvati said his client agrees with the suggestions from Engineer Corey in a memorandum dated August 3, 2021. Attorney Salvati said his client would like to get an idea of the cost of implementing Engineer Corey's recommendations. He said he will submit a proposed list of conditions if the committee wants to forward a recommendation to the council. Engineer Corey said when he reviewed the traffic impact assessment, he indicated a lane backs up into the intersection. He said the applicant looked into that and he has recommended taking the center lane and converting it into a straight or left turn lane. He said the applicant acquiesced to that request. He said he also recommended the installation of a new AI unit and other enhancements to the traffic signal at the intersection of the site driveway and Mishawum Road, along with re-striping the lanes. He said he believes the applicant will do that. Chairman Gately asked what the cost is of performing the improvements requested by Engineer Corey. Engineer Corey said the estimated cost is between \$13,000-\$15,000. Chairman Gately asked if Engineer Corey has reviewed the applicant's traffic report. Engineer Corey said he agreed with the findings. Alderman Mercer-Bruen thanked Engineer Corey for his report. She said this is subject

to a MassDOT permit. She said one of the conditions she will suggest is that the special permit is contingent upon approval by MassDOT. Attorney Salvati said he would like the council to tie the completion of the traffic improvements to the occupancy permit rather than the building permit. Alderman Mercer-Bruen said the City Council would be crazy to do that. Attorney Salvati he is not talking about the opening of the restaurant but rather performing work to the building. Alderman Mercer-Bruen said she would confer with City Solicitor Ellen Callahan Doucette about this matter. Attorney Salvati said he does not want to impede his client from getting a building permit. Chairman Gately said there will be no occupancy permit until MassDOT approves the proposed traffic improvements. Alderman Dillon asked if the property owners have ever gotten together to talk about a major overhaul to the traffic issues along Mishawum Road. Attorney Salvati said once the special permit is issued for Popeyes, the owners will sit down together. Alderman Mercer-Bruen said there have been attempts for years to get the property owners in the area together. She said coming to an accord has been difficult at best, but they will certainly try again. Motion made by Alderman Mercer-Bruen and seconded by Alderman Demers to send the petition "back for action;" approved, 7-0. Alderman Mercer-Bruen said she and Attorney Salvati will collaborate on a list of conditions she will furnish to the council by Monday.

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**Woburn APNA Bazar Incorporated, 4 Held Circle, Medford, Massachusetts 02155 for a special permit pursuant to 1985 Woburn Zoning Ordinances, as amended, Sections 5.1.69 and 7.3 to amend a special permit dated January 12, 2011, modified June 9, 2016, to allow for alteration of pre-existing non-conforming use and structure containing approximately 53,326 square feet of gross floor area to allow for 1. Retail store in Unit 2 consisting of approximately 14,440 square feet of net floor area, and 2. Provide for 232 parking spaces as shown on plan on file, at 335 Washington Street:** Representing the petitioner were Attorney Joseph Tarby, Rubin and Rudman, 600 Unicorn Park, Suite 7, Woburn, MA; John Paul Martignetti, Martignetti Real Estate, 304 Cambridge Road, Woburn, MA; and Scott Thornton, Principal, Vanasse & Associates, Inc., 35 New England Business Center Drive, Andover, MA. Attorney Tarby said an updated site plan was submitted on July 14, 2021. He said the new site plan shows speed bumps. He said there was an updated traffic study dated July 27, 2021, that Mr. Thornton will review with the committee. Mr. Thornton referred the committee to a memorandum dated July 27, 2021. He said he and Engineer Corey reviewed some traffic-related items and focused on four aspects of the traffic memo: 1. Traffic counts at comparable locations; 2. Review of a recently installed pedestrian flasher device on Washington Street; 3. The results of a traffic signal system and updated mitigation commitment, and 4. On-site traffic calming devices to discourage cut-through traffic. In reference to item #1, he said traffic studies were done at similar grocery stores in Tewksbury and Salem, N.H.. He said ethnic grocery stores don't generate traffic at the rates of regular supermarkets. He said the traffic generation is less than half. He said the proposed grocery store in Woburn will generate 69 fewer trips than a supermarket during the weekday evening peak hour and 80 fewer trips during the Saturday midday peak hour. Alderman Mercer-Bruen asked if those numbers are based on an Indian market of the same size. Mr. Thornton said the numbers are based on trip rates. He said there are not enough stores of the same size. Mr. Thornton said the pedestrian crossing flashing device has been installed within the past couple of weeks. He said they have noticed traffic is slowing down in that area. He said the device causes motorists to be more vigilant. He said he thinks the device

will result in slower traffic and make it easier for vehicles to exist the parking lot because there will be courtesy gaps. He said the City Engineer requested an inventory of the equipment in the existing signal cabinets at the Cedar and Salem streets intersections. He said in general, they are looking at upgrades to the signal controllers at a cost of \$17,500. He said he believes the current proposal is for the petitioner to do that work. He said the land owner is proposing to install speed bumps in the area of the Cedar Street and to prohibit no through traffic with the installation of signs. He said these devices will restrict traffic flow and improve on-site conditions. Alderman Dillon asked if the proposed measures will make the traffic situation better. Mr. Thornton answered affirmatively. Alderman Mercer-Bruen referred to Engineer Corey memo dated August 3, 2021, and said the mitigation consists of upgrading the traffic signals and the installation of a new AI controller. She said there is no money here for the installation of equipment. She said she does not think this is the right spot for a market. She said you can make anything work on paper. She said she has been clear that she will not support the special permit. Attorney Tarby submitted a list of proposed conditions. Motion made by Alderman Mercer-Bruen and seconded by Alderman Concannon to accept the list of proposed conditions from Attorney Tarby and make them part of the permanent record; approved, 7-0, as follows: 1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled "Parking Plan, 335 Washington Street, Woburn, Massachusetts dated February 3, 2021, revised April 14, 2021, revised April 26, 2021, revised July 14, 2021 by Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, Mass. 01923 (hereinafter the "Site Plan") although design adjustments and modifications generally associated with (i) preparing so-called "working drawings" or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan. 2. That the handicapped parking spaces as shown on the Plan shall meet all local, state, and federal handicap code requirements. 3. The hours of operation shall be limited to 9:00 a.m. – 9:00 p.m. Monday – Sunday. 4. The Special Permit be issued to Woburn Apna Bazar Inc. only and shall not be transferrable. 5. The Petitioner's mitigation shall be the installation of two M-60 traffic controllers and one A1 controller add-on unit to help improve traffic operations at the intersections of Washington Street with Cedar Street and Washington Street with Salem Street. 6. That all other conditions of the January 12, 2011, Special Permit and June 9, 2016, decisions shall remain in full force and effect unless modified by this Decision. Alderman Mercer-Bruen said she also has a list of proposed conditions she would like to incorporate into any recommendation made by the committee, as follows: 1. Applicant will upgrade the traffic controllers at Cedar Street/Washington Street and Salem/Washington Street in addition to installation of a new AI controller at Salem Street. The upgrades are to be done and tested fully before occupancy permits are issued. Attorney Tarby said his client takes no exception to that condition. 2. Access to Washington Street is restricted to right turns only out of the parking lot. Signage will be installed indicating right turn only. Attorney Tarby said his client objects to such a restriction. Mr. Thornton said based on new data, there will be one additional left turn every hour. He said the new flasher is there. He said there have not been any crashes at the location for

the past three years. He said a right turn only restriction does not have a place here. He said most of the traffic is going to go to the north. Alderman Mercer-Bruen said if the data shows an increase in crashes over the next year or so, the committee retains the right to revisit the right turn only restriction. Alderman Concannon asked if there were any existing tenants who would object to a right turn only restriction. Mr. Martignetti said there is a retail tenant that feels such a restriction is unwarranted. 3. Police details will be hired for the first week of the Grand Opening during peak traffic times. Attorney Tarby said his client takes no exception to that condition but suggested the Police Chief ought to be consulted about the best time to employ police details. Alderman Mercer-Bruen suggested amending the proposed condition to add "per review of the Chief of Police and the Traffic Division." 4. Rodent control measures will be in place at all times. Copies of the rodent control service contract are to be sent to the Woburn Board of Health with a cc to the Special Permits Committee quarterly. Attorney Tarby said his client takes no exception. 5. Trash cans with closed lids will be installed at the front entrance to the building. Attorney Tarby said his client takes no exception. 6. Parking lot maintenance will be done four times per day to ensure the lot is kept clean of plastic bags and trash. Attorney Tarby said his client takes no exception. 7. Deliveries will take place behind the building and are not permitted during the hours of 12-2 p.m. or 4-6 p.m. She said the objective is to keep 18-wheelers off Washington Street during peak hours. Attorney Tarby said the applicant is proposing to restrict deliveries between 7 a.m. and 3 p.m. Alderman Mercer-Bruen said that works for her. 8. Hours of operation are limited to Monday-Sunday 11 a.m. to 7 p.m. She said these hours will match the location of a similar store in Norwood. Attorney Tarby said his client takes exception to the alderman's proposed hours of operation, which he said would be preferably 9 a.m. to 9 p.m. He said a 9 a.m. start will be beyond the morning peak hour. Alderman Mercer-Bruen said a 9 p.m. closing time will put a lot more traffic onto Washington Street. Attorney Tarby said the petitioner has no affiliation with the Norwood store. He said there could be a number of reasons why the hours of operation in Norwood are what they are. 9. Permit issued to APNA only and is non-transferable. Attorney Tarby said his client takes no exception. 10. No goods or services are permitted to be sold in the parking lot. All retail activity takes place within the building. Attorney Tarby said his client takes no exception. 11. All signage shall be compliant with the Woburn Zoning Ordinance. Attorney Tarby said there is a free-standing sign that could be non-conforming and his client would like to replace one of the squares with its own sign. He said all signage on the building will comply with the Woburn Zoning Ordinance. Condition #11 altered to read "All signage on the building must be compliant with the Woburn Zoning Ordinance." Alderman Mercer-Bruen suggested a condition regulating the collection of shopping carriages in the parking lot. Attorney Tarby said two full-time employees will be charged with collecting the carriages and returning them to the store. He said these will be the same employees who police the parking lot for trash. Mr. Martignetti said the landlord does not want shopping carriages scattered around the parking lot. He said the property owner will insist the carriages be collected and returned to the store right away. Alderman Mercer-Bruen asked if Mr. Martignetti would be amenable to a condition to that effect. Mr. Martignetti answered affirmatively. 13. There shall be no cooking of food on the premises, inside or outside. She asked if there will be any prepared meals. Attorney Tarby said there will no meals prepared on-site. 14. The current façade of the building as recently upgraded by the property owner is to remain the same as a condition of this special permit and shall be painted and maintained regularly. Mr. Martignetti said he is amenable to such a condition as long as it is specific to the APNA Bazar. He said he would like the option to upgrade the remainder of the building. Alderman Mercer-Bruen suggested adding

the phrase “occupied by APNA” to condition #14. 15. There shall be no overflow parking onto private property. Attorney Tarby said his client takes no exception. 16. A snow removal plan is to be filed with the Building Dept. No snow is to be pushed out to Washington Street and/or Cedar Street. Attorney Tarby said his client takes no exception. 17. All existing conditions as outlined in special permits issued in 2011 and 2016 remain in full force and effect unless modified by this decision. Attorney Tarby said his client takes no exception. 18. On-site traffic calming measures as outlined in the July 14, 2021, site plan including speed bumps at the curb cut to Cedar Street and “No through traffic” signs will be installed. Attorney Tarby said the property owner will install speed bumps. Alderman Mercer-Bruen requested signage at the Cedar Street intersection indicating the left turn lane is for left turns only. Engineer Corey said the Cedar Street/Washington Street intersection is under the jurisdiction of the state and as such any signage on the mast arm of the traffic signal there would require approval by MassDOT. Alderman Mercer-Bruen suggested sending a copy of the condition to MassDOT. Mr. Thornton said there may be other locations for a sign that would be more beneficial and easier to accommodate. He said he would not advise adding a sign to the mast arm. Alderman Mercer-Bruen asked Mr. Thornton if he will work with Engineer Corey to determine the best location for a sign. Mr. Thornton answered affirmatively. Alderman Mercer-Bruen said that is all she has for conditions. Chairman Gately said he is also going to suggest a few things. He asked if there is any discussion about hours of operation. Alderman Mercer-Bruen said she is hoping to go through all the conditions and then vote one at a time, as follows: 1. The Petitioner shall construct and improve the Site as substantially described in the plans submitted with the Petition for Special Permit entitled “Parking Plan, 335 Washington Street, Woburn, Massachusetts dated February 3, 2021, revised April 14, 2021, revised April 26, 2021, revised July 14, 2021 by Eaglebrook Engineering & Survey, LLC, 491 Maple Street, Suite 304, Danvers, Mass. 01923 (hereinafter the “Site Plan”) although design adjustments and modifications generally associated with (i) preparing so-called “working drawings” or (ii) site conditions shall be permitted so long as such changes do not constitute substantial changes from said plans as determined by the Building Commissioner. In the event that the Building Commissioner determines that the building plans filed with the building permit application are not in substantial conformance with the Site Plan, the Petitioner may request a review of said plans by the City Council Special Permits Committee who shall make a final determination. If the Special Permits Committee makes a determination that the proposed plans are not in conformance with the Site Plan, the Petitioner shall be required to file a Special Permit Petition seeking approval to modify the Site Plan; approved, 7-0. 2. That the handicapped parking spaces as shown on the Plan shall meet all local, state, and federal handicap code requirements; approved, 7-0. 3. Applicant will upgrade the traffic controllers at Cedar Street/Washington Street and Salem/Washington Street in addition to the installation a new AI controller at Salem Street. The upgrades are to be done and tested fully before occupancy permits are issued; approved, 7-0. 4. Access to Washington Street is restricted to right turns only out of the parking lot. Signage will be installed indicating right turn only; failed, with only Alderman Mercer-Bruen in favor. 5. Police details will be hired for the first week of the Grand Opening during peak traffic times in consultation with the Chief of Police; approved, 7-0. 6. Rodent control measures will be in place at all times. Copies of the rodent control service contract are to be sent to Woburn Board of Health with a cc to the special permits committee quarterly; approved, 7-0. 7. Trash cans with closed lids will be installed at the front entrance of the building; approved, 7-0. 8. Parking lot maintenance will be done four times per day to ensure the lot is kept clean of plastic bags and trash; approved, 7-0. 9. Deliveries will take

place behind the building during the hours of 7 a.m. -3 p.m. only; approved, 5-2, Alderman Ferullo and Alderman Lannan opposed. 10. Hours of operation are limited to Monday-Sunday 11 a.m.- 7 p.m.; fails, 2-5, with only Alderman Mercer-Bruen and Alderman Dillon in favor. Motion made by Alderman Lannan and seconded by Alderman Demers to amend the hours of operation to Monday-Sunday 9 a.m. – 9 p.m.; approved, Alderman Mercer-Bruen and Alderman Dillon opposed. This special Permit is issued to APNA only and is not transferable. 11. No goods or services are permitted to be sold in the parking lot; approved, 7-0. 12. All retail activity takes place within the building; approved, 7-0. 12. All signage on the building must be compliant with Woburn Zoning ordinances; approved, 7-0. 13. There shall be no cooking of food on the premises inside or outside; approved, 7-0. 14. The current facade of the building occupied by APNA as recently upgraded by the property owner is to remain the same as a condition of this special permit and shall be painted and maintained regularly; approved, 7-0. 15. There shall be no overflow parking onto private property; approved, 7-0. 16. A snow removal plan is to be filed with the building department. No snow is to be pushed out to Washington Street and or/Cedar Street; approved, 7-0. 17. All other existing conditions as outlined in special permits issued in 2011 and 2016 remain in full force and effect unless modified by this decision; approved, 7-0. 18. On site traffic calming measures as outlined in the July 14, 2021, site plan including speed bumps at the curb cut to Cedar Street and "No thru traffic signs" will be installed; approved, 7-0. Motion made by Alderman Mercer-Bruen and seconded by Alderman Demers to accept the conditions; approved, 7-0. Alderman Concannon said he mentioned earlier in the meeting that a petition must clear two hurdles to garner his approval. First, he considers whether the application is legally before the council, and secondly, whether the proposed project will make any existing problems worse. He said he is satisfied this petition meets the first criterion. He said he believes the petition is legally before the council because it is consistent with the uses that have been in effect since 1992. He said he has been wrestling with the second criterion. He said he shares Alderman Mercer-Bruen's concerns about Washington Street, and he would not support anything that makes the situation there worse. He said he is intrigued by the new pedestrian crosswalk. He said he thinks the crosswalk may cause people to slow down and be somewhat helpful. He said the petitioner's argument has been an ethnic grocery store is needed. He said there has been new data submitted tonight about traffic, and he is still concerned. He said he likes the idea of on-site traffic calming measures. He said speed bumps might be a detriment to speeding. He said he does like the right turn only idea but added it may not be always enforceable. He said the idea there may be competition among similar stores in the area is not a factor for him. He said between now and Tuesday he will have a lot of things to consider. Alderman Mercer-Bruen said she has said all she needs to say. Motion made by Alderman Demers and seconded by Alderman Ferullo that the petition "ought to pass," with the aforementioned conditions; Roll call: Alderman Campbell - absent; Alderman Dillon – nay; Alderman Demers – aye; Alderman Mercer-Bruen – nay; President Tedesco – absent; Alderman Lannan – aye; Alderman Ferullo – aye; Alderman Concannon – aye; Alderman Gately – aye; motion passes, 5-2.

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**MOTION** made and seconded to take a 5-minute recess; approved, 7-0. Chairman Gately recessed the meeting at 7:52 p.m.

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**MOTION** to return to the regular order of business; approved, 7-0. Chairman Gately resumed the meeting at 7:57 p.m.

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**FRH Realty LLC, An Affiliate of Fairfield Residential for a special permit to allow: 1. Four hundred forty-five (445) residential dwelling units, 2. Accessory pool, 3. Accessory garages for use of residents on the premises, and 4. Site Plan Approval for four hundred forty-five (445) residential dwelling units, at 316 New Boston Street:** Representing the petitioner were Attorney Joseph Tarby, Rubin and Rudman, 600 Unicorn Park, Suite 7, Woburn, MA; Robb Hewitt, Vice President of Development, Fairfield Residential, 5 Burlington Woods, Burlington, MA; and Scott Thornton, Principal, Vanasse & Associates, Inc., 35 New England Business Center Drive, Andover, MA. Attorney Tarby said the remaining peer review was in regard to traffic and that has been submitted. He said the final mitigation proposal has been accepted by the peer reviewer. Mr. Thornton said the applicant has responded to comments from World Tech that were submitted on June 25. He said the applicant's response is dated July 22. He said World Tech has since updated its report on July 27. He said World Tech identified six items upon which the applicant and the peer reviewer have reached agreement. He said the applicant has agreed to remove 50 spaces from the parking garage. He said the applicant has agreed to contribute \$100,000 in mitigation toward traffic signals at the intersections in the area. He said the mitigation was identified by the City Engineer. Alderman Concannon asked if Mr. Thornton has seen Engineer Corey's memo dated August 3, 2021, suggesting the applicant ought to contribute \$200,000 toward the traffic signals. He asked how the discrepancy in figures will be reconciled. Attorney Tarby suggested the applicant could split the difference with a contribution of \$150,000. Alderman Mercer-Bruen asked if the applicant knows the cost of installing the traffic lights. Mr. Thornton replied the cost of installing a traffic light at Merrimac and New Boston streets is around \$270,000, and the cost of a light at the intersection of New Boston Street and Presidential Way is approximately \$600,000. Alderman Mercer-Bruen asked which signal the applicant will be putting money toward. Mr. Thornton said he does not think there's been a clear indication of where the funding will go. Alderman Mercer-Bruen said the project is proposed for 445 units, many of which will have two and three bedrooms. She said this is a big development. She asked why a contribution of \$270,000 is a big problem. Attorney Tarby said the increase in traffic from the development during the peak hour will be 1.15 percent. He said the Fair Share estimate for mitigation is \$84,000 and the applicant is proposing to contribute \$100,000. He said the application exceeds the landscaped open space ratio required by ordinance. He said they are not jamming the building in. He said there is green space. He said it is not all hot top. He said the development is well laid out with a nice design. He said the project will generate \$1.2 million in annual taxes. He said there are 67 affordable units. He said the project will enhance the area. He said there are measures in place for rodent control. He said the development will have high-end landscaping. He said the number of units sounds big, but the impact of the project is not overwhelming. Chairman Gately said he thinks the proponents have done a great job presenting the project. He said he knows \$100,000 was offered for mitigation and it may be jacked up to \$150,000. He said Engineer Corey is suggesting \$200,000. Alderman Mercer-Bruen said the applicant is offering half of what Engineer Corey suggested. Chairman Gately said he thinks the project is wonderful. He said there has not been one person who has come to either the public

hearings or the committee meeting to oppose the project. Alderman Dillon said he agrees the project looks good. He said his concern is the number of units. Attorney Tarby said there is plenty of open space and sufficient parking. He said there is property tax growth. He said the city will be getting more improvements in that area. He said Fairfield is a great developer and it will be a good project. Alderman Mercer-Bruen said to suggest a development with this many units will create only minimal traffic may be inaccurate. Attorney Tarby said the city's peer reviewer did not disagree with the applicant's traffic analysis, nor did the City Engineer, except for the dollar amount for mitigation. Alderman Mercer-Bruen asked why the parking was reduced by 50 spaces. Attorney Tarby said he thinks they were trying to reduce the parking to meet the requirement of the Commerce Way Corridor Overlay District. Alderman Mercer-Bruen said she will not be supporting the petition due to the number of units. Chairman Gately said he grew up in North Woburn and he remembers when the area had a dump, piggeries, and quarries. He said it was the armpit of the city. He said capping the landfill is one of the best things the city ever did. He said there is going to be a new bridge on New Boston Street that will improve access. He said this is becoming a desirable area. He said the proposed development will be a nice addition. He said there is some excitement again. He said the proposed Fairfield Residential development will not have much of an impact on anything. He said he is going to support this petition. Alderman Dillon said he agrees with almost everything Chairman Gately said. He said he has experience in this realm and an eye for development. He asked the petitioner if there is any appetite to reduce the density. Chairman Gately said he thinks the process is too far along to start making changes to the density. Alderman Concannon said for the past several months he has been wondering what is happening in Woburn with respect to housing. He said he has talked to people who have expressed concerns about the number of apartments in the city. He said this petition comes in under the rules, and the numbers all seem favorable. He said when someone says density in this instance, what he hears is volume. He said he thinks the project will result in a vast improvement. He said that while the parameters of the application fall in line with the rules, maybe it's time to look at the rules. He said maybe it is time to look at zoning in general. He said everything has been geared to creating more housing. He said he is willing to consider changing the rules to keep Woburn what it has always been. Alderman Demers asked about the breakdown of the units and the price points. Mr. Hewitt said there will be 67 affordable units with rates that are set by the state. He said a typical studio at the affordable rate will be between \$1,100-\$1,200; one bedroom \$1,200-\$1,300; two bedrooms \$1,700-\$1,800; and three bedrooms at approximately \$1,900. He said the market rate may fluctuate but the target rates are \$1,800 for a studio; \$2,200-\$2400 for a one-bedroom unit; \$2,600-\$2800 for a two-bedroom unit and \$3,000-plus for a three-bedroom unit, which he said will be in high demand. Mr. Hewitt said other projects in the area will be studied, like Avalon, 200 Presidential Way, Emery Flats, and others within 2-3 miles, when the rates are being considered. Alderman Demers said he does not know of too many Woburn residents who can afford those types of rent. He said there is a demand for housing, but the projects that are being built tend to attract people from outside of the community. He said it won't be the people the council represents who occupy those 445 units. Chairman Gately said the discussion is getting off-track. He said these issues are being brought up at the 11<sup>th</sup> hour. He said he can't understand why the committee is getting into density or the number of units at this point. Alderman Mercer-Bruen said discussion about the size and scope of the project is absolutely appropriate. She said the City Council is obligated to discuss the parameters and determine if the project is of the appropriate size. She said this is not the 11<sup>th</sup> hour. She said several aldermen have expressed concerns about density and she hopes the

petitioner takes that into account. Chairman Gately said the applicant has already invested a great deal of money. Alderman Mercer-Bruen said the committee has been trying to have this conversation for months. Alderman Dillon said he thinks the project is good, but he wanted to bring up density and volume tonight instead of on Tuesday during the public hearing. Attorney Tarby said the applicant has not gotten any feedback from the committee about what would be a more reasonable project. He said the lot size allows 480 units. He said even if the proposed number of units is reduced by 10 percent, it will not have much of an impact. He said feedback from the committee would be helpful. Alderman Dillon said there was a suggestion to lower the number of 3-bedroom units. He said there have been conversations. Attorney Tarby said the applicant has heard that density is the issue. He said the applicant has addressed mitigation. He asked if there are any other issues the committee wants to address. Alderman Ferullo asked if density or size is the issue. Alderman Mercer-Bruen said for her the issue is the number of units. She said she takes exception to the applicant not even considering Engineer Corey's proposed figure for mitigation. She said she is going to revisit the memo Planning Director Tina Cassidy sent to the council to come with a number of units that she thinks is more acceptable. Attorney Tarby said Director Cassidy's recommendation was 10 units per acre. He said nothing is going to get done at 10 units per acre. Alderman Lannan asked how many units were approved for the old Fitzgerald Tile site at 120 Commerce Way. Attorney Tarby said he thinks there were 290 units approved there. He said there were 200 units approved at 200 Presidential Way. He said the Avalon Bay project was approved at 65 units per acre. Alderman Mercer-Bruen said the Avalon Bay project was approved under state Chapter 40R and there are nuanced distinctions. Attorney Tarby said there are 84.5 units per acre at 120 Presidential Way. Chairman Gately asked if the committee wants to vote on a recommendation or leave the matter in committee. Attorney Tarby said he would like the ward alderman to weigh in on the project and he is not here. Alderman Mercer-Bruen said the committee's options are to send the petition back for action or leave it in committee. Attorney Tarby said his preference would be to leave it in committee. Motion made by Alderman Mercer-Bruen and seconded by Alderman Demers to send the matter "back for action," approved, 6-1, with Chairman Gately opposed.

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**Motion made** by Alderman Mercer-Bruen and seconded by Alderman Demers to adjourn; in favor, 7-0. Chairman Gately adjourned the meeting at 8:45 p.m.

A TRUE RECORD ATTEST

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Gordon Vincent  
Clerk of Committees